<u>REMARKS</u>

In the ***final*** Office Action mailed September 1, 2010 the Office noted that claims 1-17 and 19-22 were pending and rejected claims 1-17 and 19-22. In this amendment claims 1, 13-15, 17 and 19-21 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-17 and 19-22 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

<u>REJECTIONS under 35 U.S.C. § 112</u>

Claims 1-17 and 19-22 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. In particular, the Office asserts "a protection pair unit that is a different hardware unit from said first unit" is not disclose in the specification."

Applicants have amended the claims to overcome the rejection. Withdrawal of the rejection is respectfully requested.

<u>REJECTIONS under 35 U.S.C. § 102</u>

Claims 1, 2, 6-8, 11-18, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawase, U.S. Patent No. 5,631,896. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim to recite "a protection pair unit; ***wherein*** a configurable integrated circuit

of said first unit **is arranged to send** a signal that signals a
need for the switch-over in real time based data communication to
a configurable integrated circuit of **the protection** pair unit, and
wherein said configurable integrated circuit of said **protection**
pair unit is structured and arranged to perform the switch-over
independently of a CPU, when the switch-over is needed."
(Emphasis added) Support for the amendment may be found, for
example, page 8, lines 22 and 23. The Applicants submit that no
new matter is believed to have been added by the amendment of
claim 1. The other independent claims and other dependent claims
have been amended in a similar

On page 3 of the Office Action, it is asserted that
Kawase Fig. 3 discloses "a configurable integrated circuit of
said first unit is arranged to send a signal that signals a need
for the switch-over in real time based data communication to a
configurable integrated circuit of the protection pair unit, and
wherein said configurable integrated circuit of said protection
pair unit is structured and arranged to perform the switch-over
independently of a CPU, when the switch-over is needed."

Applicants acknowledge that block 53 in figure 3 of
Kawase may be interpreted as the "first unit" in the amended
independent claims.

However, Applicants respectfully disagree that block 70
would perform or initiate the switch-over.

The block 70 in figure 3 of Kawase does not perform or

initiate the switch-over but the block 70 is arranged to produce the signal S20 that indicates a temporal phase difference between the signal S1 received from the working path and the signal S11 received from the protection path. This phase-difference signal S20 is used for adjusting the temporal phases of the working path signal and the protection path signal to be so close to each other (blocks 54, 55, 64, 65 in figure 3 of Kawase) that a sufficiently undisturbed switch-over from the working path to the protecting path can be performed when a need arises.

In the technical solution disclosed in figure 3 of Kawase, block 75 is the element that performs the switch-over because this block controls, via the signal S21, a switching circuit 71 that is arranged to select either a phase-adjusted signal S4 carrying information received from the working path or a phase-adjusted signal S14 carrying information received from the protection path. Kawase teaches in col. 7, lines 58-62:

> The correlation monitoring circuit 75 determines whether the switching between the working path and the protection path should be carried out on the basis of the control signals S7, S17, S8 and S18, and supplies the switching circuit 71 with a switching control signal S21.

Kawase does not teach that the block 75 would be a "protecting pair unit" which, even according to its name, is capable of protecting (i.e constituting a back-up for) another unit.

Kawase does not teach a technical solution in which: data computing device comprises a first unit and a protection

pair unit, a configurable integrated circuit of said first unit is **arranged to send a signal that signals a need for the switch-over** in real time based data communication to **a configurable integrated circuit of the protection pair unit, said configurable integrated circuit of said protection pair unit** is structured and arranged **to perform the switch-over** independently of a CPU, when the switch-over is needed.

Instead, in the technical solution disclosed by Kawase, both the first unit (unit on the working path) and the protection pair unit (unit on the protection path) send signals to an external entity (the block 75) which is arranged to decide whether the switch-over is to be carried out.

Thus, the amended independent claims of the present application are not anticipated by Kawase.

In the present claims signaling within the data computing device is arranged in a way that the protecting pair unit is made capable of itself carrying out the switchover.

Therefore, the switch-over can be fast which is especially important in conjunction with real time based data communication.

Kawase does not teach this principle, but in the technical solution disclosed by Kawase, an external element (the block 75) that collects information from both an element related to the working path (the block 53) and from an element related to the protection path (the block 63) is being used. Use of the external

element requires time and thus increases the switch-over delay.

For at least the reasons discussed above, claims 1, 13 and 15 and the claims dependent therefrom are not anticipated by Kawase.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3-5, 9, 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kawase in view of Shabtay, U.S. Patent No. 7,093,027. The Applicants respectfully disagree and traverse the rejection with an argument.

Shabtay adds nothing to the deficiencies of Kawase as applied against the independent claims. Therefore, for at least the reasons discussed above, Kawase and Shabtay, taken separately or in combination, fail to render obvious claims 3-5, 9, 10 and 22.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 1-17 and 19-22 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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